

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COMCAST CABLE COMMUNICATIONS	:	
MANAGEMENT, LLC and COMCAST	:	
COMMUNICATIONS, LLC,	:	
	:	
Plaintiffs,	:	23 Civ. 04436 (AKH)
v.	:	
	:	
MAXLINEAR, INC. and ENTROPIC	:	
COMMUNICATIONS, LLC,	:	
Defendants.	:	
	:	
	:	
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ALVIN K. HELLERSTEIN, U.S.D.J.:

Before this action proceeds further, federal law requires a dismissal of the complaint for lack of subject matter jurisdiction with leave to replead. Under 28 U.S.C. § 1332, federal district courts only have jurisdiction over matters not involving federal law where the parties are diverse and the amount-in-controversy exceeds \$75,000. For diversity purposes, an LLC is a citizen of every state in which its partners, or members, are citizens. This requires that all members of a plaintiff LLC be domiciled in different states than all members of a defendant LLC. Moreover, the diversity of all members must be specifically pled in the complaint. Here, Plaintiffs failed to make the appropriate assertions as to the citizenship of the LLCs' members, therefore rendering the statement of jurisdiction insufficient.

Accordingly, the complaint is dismissed without prejudice. The Plaintiffs are instructed to file an amended complaint within thirty (30) days of the issuance of this order, which shall comport with the rules for pleading diversity in a case involving an LLC.

The Clerk shall close any open motions, such motions having been mooted by this order.

SO ORDERED.

Dated: October 12, 2023
 New York, New York

___/s/_Alvin K. Hellerstein_____
ALVIN K. HELLERSTEIN
United States District Judge